

Minutes of the Planning Commission meeting held on Thursday, December 20, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Ray Black
Phil Markham
Vicki Mackay
Scot Woodbury
Chad Wilkinson, Division Manager
Joshua Beach, Assistant Planner
G.L. Critchfield, City Attorney
Citizens

Absent: Karen Daniels, Vice-Chair
Tim Taylor

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jim Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Harland asked for additions or corrections to the minutes of November 15, 2012 and December 6, 2012. Mr. Woodbury wanted corrections to be made on the December 6, 2012 minutes under agenda items; Alta Auctions and Carol Merworth. The final vote tally is correct, but Mr. Harland's name appeared twice in the vote which is incorrect. Mr. Woodbury's name should replace one of Mr. Harland's names on each agenda item. Mr. Markham made a motion to approve the minutes of November 15, 2012 and December 6, 2012 with the changes as stated by Mr. Woodbury. Mr. Woodbury seconded the motion.

A voice vote was taken. Motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for a Conditional Use Permit for Alta Auctions and Carol Merworth. Seconded by Ms. Mackay

A voice vote was taken. Motion passed, 5-0.

JOHN CURTIS – 1336 East 5985 South – Project # 12-144

John Curtis was the applicant present to represent this request. Joshua Beach reviewed the location and request for a Conditional Use Permit for an accessory dwelling unit (ADU) for the property addressed 1336 East 5985 South. Municipal

Code Ordinance 17.78.030 allows approval of an accessory dwelling unit within any single family residential zoning district subject to Conditional Use Permit. The applicant recently purchased the home and has applied for a building permit. Along with remodeling the upstairs, the applicant is requesting an ADU to create a basement apartment. The ADU ordinance allows for the approval of a second dwelling unit in a single family residential zone providing the owner resides at the property as their principal residence and meets several design standards. The applicant has provided evidence that he is the owner of the property and that the property is his principal residence. The standards for accessory dwelling units require an additional two off-street parking spaces in addition to those required for the principal unit and in no case less than 4 spaces. The submitted plan shows adequate space available for off-street parking. The building meets the required setbacks for the R-1-10 zone district. The ordinance limits the size of accessory dwelling units to 1,000 square feet or 40 percent of the square footage of the primary structure whichever is less. The plan indicates that the unit is less than 1,000 sq. ft. The primary residence is 2,430 sq. ft. and the proposed ADU is approximately 950 sq. ft. Therefore the proposed ADU will be less than 40 percent of the existing square footage. The proposed unit includes 2 bedrooms which is the maximum allowed by the ordinance. The ordinance requires that separate entrances to accessory units be located to the side or rear of the structure to maintain the single family dwelling appearance and character. The entrance for the ADU is located on the rear (East side) of the structure. The ordinance prohibits the installation of separate utility meters for accessory dwelling units in order to maintain the single family residential character of neighborhoods. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

John Curtis, 1336 East 5985 South stated that he just moved into the area and was hoping to make the basement into a mother-in-law dwelling. Mr. Harland asked if Mr. Curtis has had the chance to review the report and conditions provided by staff. Mr. Curtis stated he has not read the report, but has reviewed the conditions and will comply with those conditions.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Black made a motion to approve a Conditional Use Permit for an accessory dwelling unit for the property addressed 1336 East 5985 South, subject to the following conditions and with a correction on condition #5 – omitting a date for an affidavit.

1. The project shall meet all applicable building code standards.
2. The units will be required to have hard wired interconnected smoke detectors and carbon monoxide alarms per R314.3 and R315.1
3. The project shall meet all current fire codes.
4. Comply with all Murray Water and Sewer Department and Power Department requirements.

5. The applicant has submitted an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to Community and Economic Development Staff.

Mr. Woodbury seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

Motion passed, 5-0.

CAMTER DEVELOPMENT – 6271 South 900 East – Project #12-146 & #12-147

Jarred Cameron was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a General Plan amendment from Residential Single Family Low Density to Residential Multi-Family High Density and a zoning map amendment from A-1 (Agriculture) to R-M-20 (Residential Multi-Family High Density) for the property addressed 6271 South 900 East. The request for a General Plan amendment and zone change is not consistent with the General Plan direction which is for a change from agriculture to residential single family low density. The applicant is requesting the General Plan amendment and zone change to develop multi-family high density apartments on the property. The property contains 1.35 acres and is located north of the Wheeler Historic Farm and east of 900 East Street. The A-1 agricultural zone allows agricultural uses, parks, open spaces, and residential single family dwellings. Other compatible uses require a Conditional Use Permit to include schools, churches, and public parks. The proposed R-M-20 zone allows various permitted uses including single family and two family dwellings, charter schools, residential facility for disabled, and residential facility for elderly persons. Other uses require a Conditional Use Permit including multi-family residential uses such as apartments, condominiums, bed and breakfast home stay, retirement home, schools, churches, libraries, parks and play grounds. Mr. Wilkinson made mention that the General Plan is subject to review and is a document that provides room for flexibility. One of the issues staff looks at when reviewing changes is; has there been a change in circumstances that would justify a change to the General Plan designation. From the review of that area, everything has developed in a way that is consistent with the General Plan. There has not been a change in circumstances that would justify a change to a high-density multi-family designation. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested Murray General Plan amendment and zone map change.

Mr. Wilkinson made mention of two letters that were submitted from Susan Lind and Karl Lind on the issue.

Jarred Cameron, 5581 South Green Street is the owner of the property at 6271 South 900 East. Mr. Cameron wanted it to be known that he is not trying to build a 4-story building to get the most units into a single area, but is trying to make it into a place that has residential business, R-M-15 (medium density) or R-M-20 (high density). By obtaining the zoning change to R-M-20 they would be able to provide a nicer development and place parking underneath the structure. Space for buffering and providing additional space (clear area) for safety are their major objectives. They would like to keep as many mature trees standing as possible with a playground and barbeque area. This structure will be upscale and consist of eight units per floor. The first and second floor are full stories, the 3rd story roof line will start at the peak of the second floor. Mr. Cameron made reference to a fact sheet attached to the original application and given to the commission members in their packets, stating the statistical growth and how his project supports that growth. Mr. Cameron stated that he is not opposed to having the zoning changed to R-M-15 either. He feels it would be better to keep this property owned by one person than dicing it up into smaller parcels for single family homes.

Mr. Woodbury asked Mr. Cameron to state how many units his project would consist of. Mr. Cameron stated 24 units are possible with 8 units per floor. He has not decided whether to make one of the units into an office for the complex.

Mr. Black asked the square footage per unit. Mr. Cameron stated the gross square footage is anywhere between 1250-1300 sq. ft. per unit. There will be 2 and 3 bedroom units, with the possibility of the top floor having one or two 1 bedroom units.

The meeting was opened for public comment.

Karl Lind, 6581 South 900 East is a property owner to the north of the proposed zone change area. Mr. Lind stated that Lind Ranch along with Wheeler Farm Cove homeowners and Wheeler Farm feel there will be a negative impact by this zoning change. There are 20 acres in this area that are currently agricultural; however in the future it is probable some of it will be developed. The question would be what residents of Murray City would want this area to become. Re-zoning to R-M-20 will eventually cascade into more apartments, possible hotels, rehab facilities, credit unions etc. This will bring increased traffic, congestion, vandalism, drugs, vagrancy and arson as seen on the farm adjacent to the Skaggs property. When this issue was brought up to the Murray City Police Department they admitted they did not have the manpower to oversee this area effectively. With this zoning change those same problems to the north border of the farm adjacent. Another concern is the wetlands as 1/3 of this property is wetlands through which there is drainage from Wheeler Farm onto Lind Ranch's ponds and returned to Little Cottonwood Creek. It still remains to be seen when the US Corp of Engineers is consulted as to whether or not it is feasible to build on this property. Mr. Lind suggested some alternative plans for this property to be considered. These suggestions would appeal to Lind Ranch and the neighborhood. 1) Trade the property to Wheeler Farm for property facing 6600 South and south of the canal. 2) Purchase of the property by the state of Utah with the funds set aside for open space and donate it to the farm. 3) Purchase by the residents of Wheeler Farm Cove for a park or personal use. 4) Concede the use of Wheeler Farm Cove Drive for access and egress for the construction of two homes of similar design.

Mr. Harland made note the letter Mr. Lind read from will be entered into the record.

Susan Lind, 6181 South 900 East, is representing Wheeler Farms, Inc. which is the community board for Wheeler Historic Farm. Ms. Lind is the executive director of Wheeler Farms Friends board and wanted to express her concerns regarding the proposed zoning change. There is currently not enough security provided by Murray City Police to keep vandalism and mischief from occurring at Wheeler Farm, especially at night. This type of behavior has increased as more urbanization comes into the area. The board is discouraging the zoning change for the following reasons; 1) The ground next to Wheeler Farm is part of its ambiance. The zoning change would create a visual barrier to the trees and grasslands which are part of the northern vista. 2) There are wetlands that are part of this parcel. 3) High density traffic will increase by residents' cars. 4) Light pollution will become an issue for security purposes. 5) There will be concerns from residents concerning animal smells, irrigation overflow and noise from recreational activities and lack of privacy from park patrons. 6) Greater risk to animals and children with the temptation to climb fences. For these reasons Ms. Lind suggests the use of this property be used for single family residential with landscaping developed on the remaining property. Mr. Harland made note the letter Ms. Lind read from will be entered into the record.

James Pollock, 980 Wheeler Farm Cove, stated that he is the property owner abutting Mr. Cameron's property. Mr. Pollock stated when he purchased the home he was told by the seller that the land was A-1 and that he would not be developing that parcel of property. In fact the lot was built up to protect the wetlands immediately behind Mr. Pollock's property. Mr. Pollock believes that he has been misled and he would like to avoid the additional traffic and interference to the park this proposed zone change would create.

Robert Nielson, 986 East Wheeler Farm Cove, stated his objection to the proposed zone change. Mr. Nielson feels there is a philosophical reason for zoning to remain at A-1. After reviewing city zoning ordinances and laws Mr. Nielson found where it states; an agricultural zone is established to provide areas where agricultural uses and open spaces can be encouraged and maintained. Mr. Nielson feels there is no way to reconcile high density zoning next to the farm.

Patrick Stutzman 968 East Wheeler Farm Cove, stated he is a resident in the nearby area. Camter Development, Inc. has provided Mr. Stutzman with the plans of 18 apartments with a home that would be adjacent to his property. It has been explained to him that if the zoning is changed and the project Camter Development, Inc. wants to build is rejected; they will go bigger and come back with a proposal of a commercial project. Mr. Stutzman appreciates the need for apartment housing in Murray, but feels this is not the appropriate parcel to allow this kind of rezoning or development to happen.

Neil Christensen, 1005 Wheeler Farm Cove, stated he is a resident in the area. Mr. Christensen concurs with the members of the public that spoke before him. He does question the underground parking concept as there is a high water table. He also has a concern with the additional traffic getting on and off 900 East. Mr. Christensen and his wife are opposed to the rezoning of this parcel.

Russell Swan, 989 Wheeler Farm Cove, has been a spokesperson for the residents of Wheeler Farm Cove. He has spoken to Mr. Cameron on several occasions offering to buy the land from him and donate it to the farm, but Mr. Cameron wanted to sell it for \$1 million, which made it impossible to do. Mr. Swan made mention of the wetlands in that area and suggested that an environmental study be done before any building is done on that parcel. He has concern for traffic and children playing near 900 East. Mr. Swan wanted to point out the number of people in opposition to this zone change and voice his opinion to be the same.

Mike Cameron, 1014 Wheeler Farm Cove, stated he is the father of the applicant, Jarred Cameron. The developer of the homes on Wheeler Farm Cove approached him and another homeowner in the development and asked if they would be investors on the property addressed 6271 South 900 East in order to have control over what could be built there. At the time, Mr. Cameron and the other homeowner turned him down. The new investor happens to be Mr. Mike Cameron's son. The initial presentation to the neighborhood was to build single family homes that would complement the area and abide by the same covenants. Mr. Mike Cameron stated he was in favor of that option, but the other homeowners at the time were not. The main reason given, is simply they wanted everything to remain the same. Instead, Mr. Jarred Cameron came up with the idea of doing multi-family instead and proposed the idea that he take the lot furthest east and build a home for himself, being the buffer between a new development and the other homeowners. The homeowners turned that offer down as well. Subsequently, Mr. Jarred Cameron is now left with trying to get a rezone to try other ideas. Mr. Mike Cameron feels his son has given multiple opportunities for the homeowners to participate as investors and co-developers, but none of his proposals have been accepted.

Mr. Stutzman made mention there have been other options presented, but this is the first presentation on this particular issue in a public setting.

Mr. Christensen noted one of the problems being looked at is the lane access for residential. The lane would need to be reconfigured and widened. Then there is the issue of parking. These are some of the reasons for opposition. Their counter offer was to put a lane on the south side of the property, but that was not agreed upon.

The public comment portion of the meeting was closed.

Mr. Harland stated that it is difficult to separate zoning decisions from development. At this meeting the Planning Commission is looking at the zoning issue and all the uses a zone change could bring to the area. The commission's obligation is to do what the General Plan has indicated and determine whether or not there are justifiable reasons to make changes.

Mr. Jarred Cameron (applicant) stated that Mr. and Ms. Lind owners of Lind Ranch, the 9 acres to the north of the applicant's property, are speaking off speculation, not facts. He commented that the General Plan states different pieces of open parcels throughout Murray are slated for development at some point. There will be increased density in some areas and single family in others.

Mr. Jarred Cameron addressed Mr. Lind's request to trade the property to Wheeler

Farm. He stated that he is not opposed to that, but when he approached Wheeler Farm and the county, they all said no. He stated that if Mr. Lind can find the right person to go to for that, he is not opposed to the idea. The second option Mr. Lind brought up was to have the state purchase the property. Originally the property was owned by UDOT and sold to Mr. Jarred Cameron, but if the state would like to buy it, he is willing to look at that option. The third option was turn the parcel into a park, but this is not financially feasible for him. With the development he has proposed, he is trying to retain as many of the mature trees as possible. The fourth option Mr. Lind suggested was to build 2 homes, but economically it does not work for him.

Mr. Jarred Cameron stated Ms. Lind's concerns are based on speculation as well. He stated that he grew up in Murray and wants to keep the area around Wheeler Farm looking nice as well. He indicated that the land was still owned by UDOT at the time of Mr. Pollock's purchase. Therefore he cannot address the concern regarding what he was promised. In regards to Mr. Nielson opposition, Mr. Jarred Cameron appreciates his opinion. He stated that he showed Mr. Stutzman a proposal for an 18-unit development with a single family home as a buffer between the development and the current homeowners; however, Mr. Stutzman had indicated that he had never seen any other proposals. The other proposals were shown to the neighborhood spokesman and president of the PUD who made a decision before those proposals were ever shown to Mr. Stutzman. He commented that he agrees with Mr. Christensen's concerns regarding the a high water table, but the access shouldn't be a problem as there are other businesses on 900 East that seem to handle the traffic flow. He stated that Mr. Swan's statements were unfounded. He stated he has rights as a land owner as well as the surrounding community. He stated that the comments made by Mr. Mike Cameron are correct.

Mr. Harland asked Mr. Jarred Cameron to address the wetlands issue. Mr. Jarred Cameron made note there are homes built all around the parcel and there does not seem to be any problems that he is aware of. He was unsure whether the designation of wetland applies to his parcel.

Mr. Jarred Cameron stated that Mr. Christensen spoke of the lane width at the initial meeting, but Mr. Jarred Cameron doesn't understand what Mr. Christensen was getting at. Mr. Jarred Cameron also made note there was no counter offer as stated by Mr. Christensen.

Mr. Markham noted that his personal concern is making the City of Murray the best possible place it can be to live for all of its residents. He resents being accused of trying to please one group over another. Mr. Jarred Cameron asked if it was him that made Mr. Markham feel that way. Mr. Markham responded in the affirmative.

Mr. Black asked what was meant by Mr. Stutzman's comment regarding if this project were to be rejected they will go bigger or put in a commercial development. Mr. Jarred Cameron responded by stating he turned in this proposal last March he met up with the neighbors personally. Mr. Jarred Cameron stated the last time he met up with Mr. Stutzman he went over 3 different options. Option 1: He noted he has a great fondness for Murray City and the Wheeler Farm area and if the neighbors are willing to give him access to their private lane he would even like to build his own home there. Option 2: Build a multi-family development with buffers and safety features.

Option 3: Take the entire parcel and turn it into residential business.

Mr. Harland explained the permitted and conditional uses that are allowed in an R-M-20 zone. **Permitted uses are;** single-family dwelling – detached, two-family dwelling (duplex), residential facility for elderly persons, residential facility for the disabled, utilities, charter school, residential childcare facility – group instruction in a single-family and multiple family dwellings in addition to accessory uses and structures (i.e. garages), home occupations, pets, private swimming pools, storage of materials, vegetable/flower gardens. **Conditional uses are;** single-family dwellings – attached, multiple-family dwelling, multiple-family dwelling (low rise), multiple-family dwelling (high rise), bed and breakfast – homestay, bed and breakfast – inn, retirement home, telephone exchange stations, telephone relay towers, other telephone communication, telegraph transmitting and receiving stations, other telegraph communications, radio transmitting stations and relay towers, other radio communication, television transmitting stations and relay towers, other television communication, other communication, utilities, cemeteries, sanitariums, protective functions and related activities, kindergarten schools, elementary schools, junior high schools, senior high schools, group educational home (pre-school) – group instructional, denominational and sectarian schools, schools for disabled, churches, synagogues, temples and missions, libraries, tennis courts, playgrounds and athletic areas, swimming pools – public, picnicking areas, parks.

Mr. Woodbury addressed Mr. Jarred Cameron saying he understands he has made multiple attempts to try and work something out. This is an investment and understands he does not want to take a loss. Mr. Woodbury also understands the neighbor's side of things. The job of the Planning Commission is to look at the zoning within the context of the General Plan and ask themselves, has something changed in that neighborhood to warrant a change in zoning.

Ms. Mackay also wanted to commend Mr. Jarred Cameron on his preparation and good information. One thing she wanted to note is the Planning Commission needs to consider what will happen if they suggest a zone change to the City Council. If that change happens there are a wide variety of other things this parcel could be used for. The decision they make isn't because they are for or against any one person, but more that they need to look at the big picture and what is good for the City.

Mr. Wilkinson clarified that the Planning Commission's role is to make a recommendation to the City Council regarding this request. There will be another public hearing held by the City Council which will make the final decision. Any change to the zoning needs to go through this process. Under the existing zoning there is a density requirement of 1 acre per unit. Under the proposed zoning the base density is 17 units per acre. There are certain incentive density bonuses available to developers to allow them to increase the number of units per acre based on the quality of the materials they use, amenities that are provided, etc. If all the criteria items are met the maximum density would be 20 units per acre for this parcel.

Mr. Harland made note there will be two motions to this item. The first will be for item #6 on the agenda in reference to the General Plan amendment and the second will be for item #7 on the agenda in reference to the zoning map amendment.

Mr. Markham made a motion to forward a recommendation of denial to the City Council for the request to change the General Plan from Residential Single Family Low Density to Residential Multi-Family High Density for the property addressed 6271 South 900 East.

Mr. Black seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

Motion passed, 5-0.

Mr. Black made a motion to forward a recommendation of denial to the City Council for a zoning map amendment from A-1 to R-M-20 for the property addressed 6271 South 900 East.

Mr. Woodbury seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Ray Black
A _____ Phil Markham
A _____ Vicki Mackay
A _____ Scot Woodbury

Motion passed, 5-0.

OTHER BUSINESS:

There was no other business.

Meeting adjourned.

A handwritten signature in black ink, appearing to read 'Chad Wilkinson', is written over a horizontal line.

Chad Wilkinson, Manager
Community & Economic Development